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6 **BEFORE THE**  
7 **BOARD OF REGISTERED NURSING**  
8 **DEPARTMENT OF CONSUMER AFFAIRS**  
9 **STATE OF CALIFORNIA**

10 In the Matter of the Accusation Against:

Case No. 2012-384

11 **THERESA SETTE, AKA THERESA**  
12 **MARIE ALBANS**  
13 1339 Bobolink Drive  
14 Vista, CA 92083

**DEFAULT DECISION AND ORDER**

15 **Registered Nurse License No. 548499**

[Gov. Code, §11520]

16 Respondent.

17 **FINDINGS OF FACT**

18 1. On or about December 20, 2011, Complainant Louise R. Bailey, M.Ed., RN, in her  
19 official capacity as the Executive Officer of the Board of Registered Nursing, filed Accusation  
20 No. 2012-384 against Theresa Sette, aka Theresa Marie Albans (Respondent) before the  
21 Department of Consumer Affairs. (Accusation attached as Exhibit A.)

22 2. On or about October 1, 1998, the Board of Registered Nursing (Board) issued  
23 Registered Nurse License No. 548499 to Respondent. The Registered Nurse License was in full  
24 force and effect at all times relevant to the charges brought in Accusation No. 2012-384 and will  
25 expire on July 31, 2012, unless renewed.

26 3. On or about December 20, 2011, Respondent was served by Certified and First Class  
27 Mail copies of Accusation No. 2012-384, Statement to Respondent, Notice of Defense, Request  
28 for Discovery, and Discovery Statutes (Government Code sections 11507.5, 11507.6, and  
11507.7) at Respondent's address of record which, pursuant to California Code of Regulations,

1 title 16, section 1409.1, is required to be reported and maintained with the Board, which was and  
2 is 1339 Bobolink Drive, Vista, CA 92083.

3 4. Service of the Accusation was effective as a matter of law under the provisions of  
4 Government Code section 11505, subdivision (c) and/or Business & Professions Code section  
5 124.

6 5. On or about January 3, 2012, the documents served by First Class Mail were returned  
7 by the U.S. Postal Office marked "MOVED LEFT NO ADDRESS UNABLE TO FORWARD  
8 RETURN TO SENDER." On or about January 25, 2012, the documents served by Certified Mail  
9 were returned by the U.S. Postal Service marked "Moved, Left No Address."

10 6. Government Code section 11506 states, in pertinent part:

11 (c) The respondent shall be entitled to a hearing on the merits if the respondent  
12 files a notice of defense, and the notice shall be deemed a specific denial of all parts  
13 of the accusation not expressly admitted. Failure to file a notice of defense shall  
14 constitute a waiver of respondent's right to a hearing, but the agency in its discretion  
15 may nevertheless grant a hearing.

16 7. Respondent failed to file a Notice of Defense within 15 days after service upon her of  
17 the Accusation, and therefore waived her right to a hearing on the merits of Accusation No. 2012-  
18 384.

19 8. California Government Code section 11520 states, in pertinent part:

20 (a) If the respondent either fails to file a notice of defense or to appear at the  
21 hearing, the agency may take action based upon the respondent's express admissions  
22 or upon other evidence and affidavits may be used as evidence without any notice to  
23 respondent.

24 9. Pursuant to its authority under Government Code section 11520, the Board finds  
25 Respondent is in default. The Board will take action without further hearing and, based on the  
26 relevant evidence contained in the Default Decision Evidence Packet in this matter, as well as  
27 taking official notice of all the investigatory reports, exhibits and statements contained therein on  
28 file at the Board's offices regarding the allegations contained in Accusation No. 2012-384, finds  
that the charges and allegations in Accusation No. 2012-384, are separately and severally, found  
to be true and correct by clear and convincing evidence.

10. Taking official notice of its own internal records, pursuant to Business and Professions Code section 125.3, it is hereby determined that the reasonable costs for Investigation and Enforcement is \$5,968.75 as of February 3, 2012.

## DETERMINATION OF ISSUES

1. Based on the foregoing findings of fact, Respondent Theresa Sette, aka Theresa Marie Albans has subjected her Registered Nurse License No. 548499 to discipline.

2. The agency has jurisdiction to adjudicate this case by default.

3. The Board of Registered Nursing is authorized to revoke Respondent's Registered Nurse License based upon the following violations alleged in the Accusation which are supported by the evidence contained in the Default Decision Evidence Packet in this case:

a. violation of Code section 2762(a) for unprofessional conduct in that Respondent obtained and possessed controlled substances unlawfully in violation of Health and Safety Code sections 11173(a) and 11350(a)(1);

b. violation of Code section 2762(e) for unprofessional conduct in that Respondent falsified, or made grossly incorrect, grossly inconsistent, or unintelligible entries in hospital, patient, or other record pertaining to controlled substance medication;

c. violation of 2761(a)(1) for incompetence; and,

d. violation of section 2761(a) for unprofessional conduct.

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ORDER

IT IS SO ORDERED that Registered Nurse License No. 548499, heretofore issued to Respondent Theresa Sette, aka Theresa Marie Albans, is revoked.

Pursuant to Government Code section 11520, subdivision (c), Respondent may serve a written motion requesting that the Decision be vacated and stating the grounds relied on within seven (7) days after service of the Decision on Respondent. The agency in its discretion may vacate the Decision and grant a hearing on a showing of good cause, as defined in the statute.

This Decision shall become effective on SEPTEMBER 27, 2012.

It is so ORDERED AUGUST 28, 2012

*Raymond Mallet*

FOR THE BOARD OF REGISTERED NURSING

80603225.DOC  
DOJ Matter ID:SD2011801540

Attachment:  
Exhibit A: Accusation

# Exhibit A

Accusation No. 2012-384

1 KAMALA D. HARRIS  
Attorney General of California  
2 JAMES M. LEDAKIS  
Supervising Deputy Attorney General  
3 MARICHELLE S. TAHMIC  
Deputy Attorney General  
4 State Bar No. 147392  
110 West "A" Street, Suite 1100  
5 San Diego, CA 92101  
P.O. Box 85266  
6 San Diego, CA 92186-5266  
Telephone: (619) 645-3154  
7 Facsimile: (619) 645-2061  
*Attorneys for Complainant*

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9 **BEFORE THE**  
**BOARD OF REGISTERED NURSING**  
**DEPARTMENT OF CONSUMER AFFAIRS**  
10 **STATE OF CALIFORNIA**

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12 **THERESA SETTE, AKA THERESA**  
**MARIE ALBANS**  
13 1339 Bobolink Drive  
14 Vista, CA 92083

**A C C U S A T I O N**

15 **Registered Nurse License No. 548499**

16 Respondent.

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18 Complainant alleges:

19 **PARTIES**

20 1. Louise R. Bailey, M.Ed., RN (Complainant) brings this Accusation solely in her  
21 official capacity as the Executive Officer of the Board of Registered Nursing, Department of  
22 Consumer Affairs.

23 2. On or about October 1, 1998, the Board of Registered Nursing issued Registered  
24 Nurse License Number 548499 to Theresa Sette, aka Theresa Marie Albans (Respondent). The  
25 Registered Nurse License was in full force and effect at all times relevant to the charges brought  
26 herein and will expire on July 31, 2012, unless renewed.

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4. Section 2750 of the Business and Professions Code ("Code") provides, in pertinent part, that the Board may discipline any licensee, including a licensee holding a temporary or an inactive license, for any reason provided in Article 3 (commencing with section 2750) of the Nursing Practice Act.

6. Section 2811(b) of the Code provides, in pertinent part, that the Board may renew an expired license at any time within eight years after the expiration.

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The board may take disciplinary action against a certified or licensed nurse or deny an application for a certificate or license for any of the following:

(1) Incompetence, or gross negligence in carrying out usual certified or licensed nursing functions....

In addition to other acts constituting unprofessional conduct within the meaning of this chapter [the Nursing Practice Act], it is unprofessional conduct for a person licensed under this chapter to do any of the following:

(b) Use any controlled substance as defined in Division 10 (commencing with Section 11000) of the Health and Safety Code, or any dangerous drug or dangerous device as defined in Section 4022, or alcoholic beverages, to an extent or in a manner dangerous or injurious to himself or herself, any other person, or the public or to the extent that such use impairs his or her ability to conduct with safety to the

public the practice authorized by his or her license.

...

(e) Falsify, or make grossly incorrect, grossly inconsistent, or unintelligible entries in any hospital, patient, or other record pertaining to the substances described in subdivision (a) of this section.

9. Health and Safety Code section 11170 states that no person shall prescribe, administer, or furnish a controlled substance for himself.

10. Health and Safety Code section 11173, subdivision (a) states:

No person shall obtain or attempt to obtain controlled substances, or procure or attempt to procure the administration of or prescription for controlled substances (1) by fraud, deceit, misrepresentation, or subterfuge; or (2) by the concealment of a material fact.

11. Health and Safety Code section 11350, subdivision (a)(1) states:

Except as otherwise provided in this division, every person who possesses (1) any controlled substance specified in subdivision (b) or (c), or paragraph (1) of subdivision (f) of Section 11054, specified in paragraph (14), (15), or (20) of subdivision (d) of Section 11054, or specified in subdivision (b) or (c) of Section 11055, or specified in subdivision (h) of Section 11056, or (2) any controlled substance classified in Schedule III, IV, or V which is a narcotic drug, unless upon the written prescription of a physician, dentist, podiatrist, or veterinarian licensed to practice in this state, shall be punished by imprisonment in the state prison.

12. California Code of Regulations, title 16, section 1443, states:

As used in Section 2761 of the code, 'incompetence' means the lack of possession of or the failure to exercise that degree of learning, skill, care and experience ordinarily possessed and exercised by a competent registered nurse as described in Section 1443.5.

13. California Code of Regulations, title 16, section 1443.5 states:

A registered nurse shall be considered to be competent when he/she consistently demonstrates the ability to transfer scientific knowledge from social, biological and physical sciences in applying the nursing process, as follows:

(1) Formulates a nursing diagnosis through observation of the client's physical condition and behavior, and through interpretation of information obtained from the client and others, including the health team.

(2) Formulates a care plan, in collaboration with the client, which ensures that direct and indirect nursing care services provide for the client's safety, comfort, hygiene, and protection, and for disease prevention and restorative measures.

(3) Performs skills essential to the kind of nursing action to be taken, explains the



1 health treatment to the client and family and teaches the client and family how to  
2 care for the client's health needs.

3 (4) Delegates tasks to subordinates based on the legal scopes of practice of the  
4 subordinates and on the preparation and capability needed in the tasks to be  
5 delegated, and effectively supervises nursing care being given by subordinates.

6 (5) Evaluates the effectiveness of the care plan through observation of the client's  
7 physical condition and behavior, signs and symptoms of illness, and reactions to  
8 treatment and through communication with the client and health team members, and  
9 modifies the plan as needed.

10 (6) Acts as the client's advocate, as circumstances require, by initiating action to  
11 improve health care or to change decisions or activities which are against the  
12 interests or wishes of the client, and by giving the client the opportunity to make  
13 informed decisions about health care before it is provided."

#### 14 COST RECOVERY

15 14. Section 125.3 of the Code provides, in pertinent part, that the Board may request the  
16 administrative law judge to direct a licentiate found to have committed a violation or violations of  
17 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and  
18 enforcement of the case.

#### 19 DRUGS

20 15. Dilaudid, a brand name for hydromorphone, is a Schedule II controlled substance  
21 pursuant to Health and Safety Code section 11055(b)(1)(j) and is a dangerous drug pursuant to  
22 Business and Professions Code section 4022.

23 16. Morphine/Morphine Sulfate is a Schedule II controlled substance pursuant to Health  
24 and Safety Code section 11055(b)(1)(L) and is a dangerous drug pursuant to Business and  
25 Professions Code section 4022. Morphine is in a class of drugs called narcotic analgesics. It  
26 relieves pain.

27 17. Percocet, a brand name for acetaminophen/oxycodone, is Schedule II controlled  
28 substance as designated by Health and Safety Code section 11055(b)(1)(M), and is a dangerous  
drug pursuant to Business & Professions Code section 4022. Percocet is a combination of a  
narcotic and an analgesic/antipyretic used to treat moderate to moderately severe pain.

18 18. Toradol, a brand name for ketorolac, is a dangerous drug pursuant to Business and  
19 Professions Code section 4022. Toradol is an NSAID used to reduce inflammation and pain.

19. Vicodin, a brand name for acetaminophen/hydrocodone, is a Schedule II controlled substance as designated by Health and Safety Code section 11055(b)(1)(I), and is a dangerous drug pursuant to Business and Professions Code section 4022. It is also known as dihydrocodeinone with the non-narcotic substance acetaminophen and is used to treat pain.

## FACTS

20. On June 15, 2010, C.F., a nursing supervisor at Scripps Clinic Torrey Pines (hereinafter "the Hospital"), filed a complaint with the Board of Registered Nursing advising that Respondent was terminated on May 19, 2010 for violation of the Hospital's policy regarding professional conduct and competence following an investigation that was initiated because of narcotic discrepancies.

21. At all times alleged herein, Respondent was employed as a Registered Nurse in the Urgent Care unit of the Hospital and was on duty at the Hospital.

22. On May 1, 2010, C.F. discovered that 1 mg of Dilaudid withdrawn by Respondent from Pyxis<sup>1</sup> was unaccounted for. On May 2, 2010, 6 mg morphine withdrawn by Respondent from Pyxis was unaccounted for. In addition, C.F. discovered discrepancies in medication documentation on May 1-2, 2010, as follows:

- a. Respondent withdrew Zofran 4 mg for a patient when there was no physician's order, no documentation of administration and no wastage;
- b. Respondent withdrew Percocet 2 tablets for a patient when there was no physician's order, no documentation of administration and no wastage;
- c. Respondent withdrew morphine 2 mg but no documentation as to administration or wastage;

<sup>1</sup> Pyxis is a trade name for the automatic single-unit dose medication dispensing system that records information such as patient name, physician orders, date and time medication was withdrawn, and the name of the licensed individual who withdrew and administered the medication. Each user/operator is given a user identification code to operate the control panel. Sometimes only portions of the withdrawn narcotics are given to the patient. The portions not given to the patient are referred to as "wastage." This waste must be witnessed by another authorized user and is also recorded by the Pyxis machine.

d. Respondent withdrew Ativan 2 mg, Dilaudid 1 mg and Zofran 4 mg for the wrong patient.

23. As a result of the discovery of these discrepancies, the patient records and Pyxis reports pertaining to 32 patients who were cared for by Respondent were reviewed for the period April 4, 2010 through April 30, 2010. Of those 33 patient charts, medication discrepancies were noted as follows:

a. Patient 1 (MRN ---6631):

Withdrawn by Respondent	Physician Orders	Charted as Administered	Wastage Noted	Discrepancy
Vicodin 1 tablet @ 0930 hours on 4/20/2010	None	None	None	1 tablet

b. Patient 2 (MRN ---9471):

Withdrawn by Respondent	Physician Orders	Charted as Administered	Wastage Noted	Discrepancy
Morphine 4mg @ 2245 hours on 5/2/2010	Morphine 4 mg	Morphine 4 mg @ 2235	None	None
Morphine 4 mg @ 2246 hours on 5/2/2010		Morphine 4 mg @ 2246	None	None
Morphine 4 mg @ 2312 hours on 5/2/2010		Morphine 4 mg @ 2315	None	None
Zofran 4 mg @ 2245 hours on 5/2/2010	Zofran 4 mg	Zofran 4 mg @ 2236	None	Charted as administered before withdrawn
Zofran 4 mg @ 2315 hours on 5/2/2010	No order for second dose.	Zofran 4 mg @ 2316	None	Zofran 4 mg, no order for this dose.
Dilaudid 1 mg @ 2353 hours on 5/2/2010	No order for Dilaudid. Patient was discharged @ 2345 hours.	None	None	Dilaudid 1 mg.

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c. Patient 3 (MRN ----7386):

Withdrawn by Respondent	Physician Orders	Charted as Administered	Wastage Noted	Discrepancy
Valium 10 mg @ 1556 hours on 4/25/2010	Valium 10 mg	Valium 10 mg @ 1600 hours	None	None
Toradol 30 mg @ 1556 hours on 4/25/2010	Toradol 30 mg	Toradol 30 mg @ 1600 hours	None	None
Zofran @ 1617 hours on 4/25/2010	None	Zofran 4 mg @ 1615 hours	None	Charted as administered but no physician's order for this drug.

d. Patient 4 (MRN ----2980):

Withdrawn by Respondent	Physician Orders	Charted as Administered	Wastage Noted	Discrepancy
Dilaudid 1 mg @ 1537 hours on 4/27/2010	None after patient discharge.	None	None	Patient was discharged @ 1514 hours.

e. Patient 5 (MRN ----3031):

Withdrawn by Respondent	Physician Orders	Charted as Administered	Wastage Noted	Discrepancy
Morphine 4 mg @ 1627 hours on 5/1/2010	Morphine 2 mg	None	2 mg	2 mg morphine

f. Patient 6 (MRN ---- 1048):

Withdrawn by Respondent	Physician Orders	Charted as Administered	Wastage Noted	Discrepancy
Vicodin 1 tablet @ 1325 hours on 4/11/2010	None. There was no record that this patient was seen in Urgent Care on 4/11/2010. Last time patient seen was 3/30/2010			Vicodin 1 tablet.

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g. Patient 7 (MRN ----9201):

Withdrawn by Respondent	Physician Orders	Charted as Administered	Wastage Noted	Discrepancy
Dilaudid 1 mg @ 0050 hours on 4/14/2010	None	None	None	Patient was not assigned to Respondent except to triage patient at 2000 hours. No documentation patient was in pain. Medication withdrawn 3 minutes before Respondent finished her shift.

h. Patient 8 (MRN ----3700):

Withdrawn by Respondent	Physician Orders	Charted as Administered	Wastage Noted	Discrepancy
Morphine 10 mg @ 1242 hours on 4/10/2010	Morphine 2 mg IV @ 1240 hours	Morphine 2 mg @ 1240	None	Morphine 8 mg (see below)
	Morphine 2 mg IV @ 1340 hours	Morphine 2 mg @ 1310 hours	None	Morphine 6 mg (see below)
	Morphine 2 mg IV @ 1345 hours	Morphine 2 mg @ 1348 hours	None	Morphine 4 mg
Vicodin 2 tablets @ 1457 hours on 4/10/2010	None	None	None	Vicodin 2 tablets. Patient was discharged at 1433 hours.

i. Patient 9 (MRN ----1659):

Pyxis reports reflect withdrawals of Zofran, Dilaudid and Ativan. There were physician's orders for all medications. There were two orders for Zofran; one documented as administered and the other documented as refused by the patient. The physician's dictation indicated that the patient received the Zofran but does not state the number of doses received. Respondent

withdrew and administered the drugs as ordered as reflected on the Medication Administration Record.

**j. Patient 10 (MRN---1940):**

Withdrawn by Respondent	Physician Orders	Charted as Administered	Wastage Noted	Discrepancy
Vicodin 1 tablet @ 1845 hours on 4/25/2010	None	None	None	Vicodin 1 tablet

**k. Patient 11 (MRN---0160):**

Withdrawn by Respondent	Physician Orders	Charted as Administered	Wastage Noted	Discrepancy
Zofran 4 mg @ 2053 hours on 5/2/2010	Zofran 4 mg IV	Zofran 4 mg @ 2050	None	None
Valium 10 mg @ 2054 hours on 5/2/2010	Valium 5 mg IV	Valium 5 mg @ 2049	None	Valium 5 mg

**l. Patient 12 (MRN ---6952):**

Withdrawn by Respondent	Physician Orders	Charted as Administered	Wastage Noted	Discrepancy
Zofran 4 mg @ 2112 hours on 4/20/2010	Zofran 4 mg IV	Zofran 4 mg @ 2110	None	None
Dilaudid 1 mg @ 2112 hours on 4/20/2010	Dilaudid 1 mg (one dose only)	Dilaudid 1 mg @ 2120	None	None
Dilaudid 1 mg @ 2123 hours on 4/20/2010	None for second dose.	None	None	Dilaudid 1 mg

**m. Patient 13 (MRN ---7473):**

Withdrawn by Respondent	Physician Orders	Charted as Administered	Wastage Noted	Discrepancy
	Percocet 2 po X 1 (one dose only)	Percocet 2 tablets administered by Nurse M.R. @ 1200	None	None

Percocet 2 tablets 1557 hours on 5/1/2010	None for second dose.	Percocet 2 tablets @ 1600 hours.	None	Percocet 2 tablets. No order for second dose.
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Nursing notes written by Respondent indicate that the patient was discharged at 1550 hours. Nursing indicated written by Respondent at 1600 hours state that the patient complained of pain and was medicated by Respondent. The nursing notes written at 1600 state the patient was discharged at 1600.

**n. Patient 14 (MRN ----7520):**

Withdrawn by Respondent	Physician Orders	Charted as Administered	Wastage Noted	Discrepancy
Zofran 4 mg @ 1755 hours on 5/1/2010	Zofran 4 mg IV	Zofran 4 mg @ 1711	None	Zofran 4 mg was documented as given before it was withdrawn.
Toradol 30 mg @ 1755 hours on 5/1/2010	None	None	None	Toradol 30 mg
Toradol 30 mg @ 1803 hours on 5/1/2010	None	None	None but 30 mg returned.	None
Ativan 2 mg @ 1803 hours on 5/1/2010	Ativan 1 mg IV	Ativan 1 mg @ 1710	None	Ativan 1 mg. Ativan was documented as given before it was withdrawn.

**o. Patient 15 (MRN ----2096):**

Withdrawn by Respondent	Physician Orders	Charted as Administered	Wastage Noted	Discrepancy
Zofran 4 mg @ 1708 hours on 5/1/2010	Zofran 4 mg IV	Zofran 4 mg @ 2050	None	None
Ativan 2 mg @ 1708 hours on 5/1/2010	Ativan 1 mg IV repeat x 1	Ativan 1 mg @ 1710 hours	None	Ativan 1 mg

Dilaudid 1 mg @ 1708 hours on 5/1/2010	Dilaudid 1 mg IV x 3	Dilaudid 1 mg @ 1712 hours	None	None
Dilaudid 2 mg @ 1729 hours on 5/1/2010		Dilaudid 2 mg @ 1727 hours	None	None
Dilaudid 1 mg @ 1743 hours on 5/1/2010		Dilaudid 1 mg @ 1800 hours	None	None
Ativan 2 mg @ 1743 hours on 5/1/2010		Ativan 1 mg @ 1742 hours	None	Ativan 1 mg

**p. Patient 16 (MRN ----0856):**

<b>Withdrawn by Respondent</b>	<b>Physician Orders</b>	<b>Charted as Administered</b>	<b>Wastage Noted</b>	<b>Discrepancy</b>
2 Dilaudid 1 mg @ 2228 hours on 4/25/2010	Dilaudid 1mg IV	Dilaudid 1 mg @ 2225 hours	None	Dilaudid 1 mg
Zofran 4 mg @ 2228 hours	Zofran 4 mg IV	Zofran 4 mg @ 2225	None	None

**q. Patient 17 (MRN ----7550):**

<b>Withdrawn by Respondent</b>	<b>Physician Orders</b>	<b>Charted as Administered</b>	<b>Wastage Noted</b>	<b>Discrepancy</b>
Toradol 30 mg @ 2250 hours on 4/11/2010	None	None	None	Toradol 30 mg
Dilaudid 1 mg @ 2250 hours on 4/11/2010	Dilaudid 1 mg IV push, 3 doses	Dilaudid 1 mg @ 2050 by Respondent after 2 doses charted as given by Nurse K.B.	None	None
Dilaudid 1 mg @ 2250 hours on 4/11/2010	None for this dose	None	None	Dilaudid 1 mg

**r. Patient 18 (MRN ----5058):**

<b>Withdrawn by Respondent</b>	<b>Physician Orders</b>	<b>Charted as Administered</b>	<b>Wastage Noted</b>	<b>Discrepancy</b>
Percocet 2 tablets @ 2047 hours on 5/1/2010	Percocet 2 tablets	None. Patient declined medication.	None	Percocet 2 tablets



Respondent withdrew several other medications for this patient that were properly documented as administered and for which there were no discrepancies. The only discrepancy for this patient was in the withdrawal of the 2 tablets of Percocet described above.

s. **Patient 19 (MRN ----7997):**

Withdrawn by Respondent	Physician Orders	Charted as Administered	Wastage Noted	Discrepancy
Percocet 1 tablet @ 1616 hours on 5/2/2010	None	None	None	Percocet 1 tablet

t. **Patient 20 (MRN ----5135):**

Withdrawn by Respondent	Physician Orders	Charted as Administered	Wastage Noted	Discrepancy
Morphine 10 mg @ 2003 hours on 5/2/2010	Morphine 6 mg	Morphine 6 mg @ 2000	None	Morphine 4 mg
Vicodin 1 tablet @ 2132 hours on 5/2/2010	None	None	None	Vicodin 1 tablet

**FIRST CAUSE FOR DISCIPLINE**

**(Unprofessional Conduct-Obtain or Possess Controlled Substances)**

24. Respondent is subject to disciplinary action under section 2762(a) for unprofessional conduct in that Respondent obtained and possessed controlled substances unlawfully in violation of Health and Safety Code sections 11173(a) and 11350(a)(1), as is more particularly set forth in paragraphs 20-23 above, and incorporated herein as though set forth in full.

**SECOND CAUSE FOR DISCIPLINE**

**(Unprofessional Conduct-Falsification of Hospital and/or Patient Records)**

25. Respondent is subject to disciplinary action under section 2762(e) for unprofessional conduct in that Respondent falsified, or made grossly incorrect, grossly inconsistent, or unintelligible entries in hospital, patient, or other record pertaining to the medications above by documenting administration of medication after the patient was discharged, by documenting administration of medication before it was withdrawn from Pyxis, by withdrawing medication from Pyxis for patients to whom Respondent was not assigned and by withdrawing medication

1 for patients for whom there were no physician's orders for the medication, as is more fully set  
2 forth in paragraphs 20-23 above and incorporated herein as though set forth in full.

3 **THIRD CAUSE FOR DISCIPLINE**

4 **(Incompetence)**

5 26. Respondent is subject to disciplinary action under section 2762(a)(1) incompetence in  
6 that Respondent failed to exercise that degree of learning, skill, care and experience ordinarily  
7 possessed by a competent registered nurse in that Respondent withdrew medication that was not  
8 ordered for a patient and Respondent administered medication without a physician's order and, as  
9 is more fully set forth in paragraphs 20-23 above and incorporated herein as though set forth in  
10 full.

11 **FOURTH CAUSE FOR DISCIPLINE**

12 **(Unprofessional Conduct)**

13 27. Respondent is subject to disciplinary action under section 2762(a) for unprofessional  
14 conduct in that Respondent withdrew and/or administered medication without a physician's order,  
15 withdrew medication that was not given to a patient and not wasted, administered medication  
16 without a physician's order and falsified, or made grossly incorrect, grossly inconsistent, or  
17 unintelligible entries in hospital, patient, or other records pertaining to the withdrawal and  
18 administration of medication, as is more fully set forth in paragraphs 20-23 above and  
19 incorporated herein as though set forth in full.

20 **PRAYER**

21 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,  
22 and that following the hearing, the Board of Registered Nursing issue a decision:

23 1. Revoking or suspending Registered Nurse License Number 548499, issued to Theresa  
24 Sette, aka Theresa Marie Albans;

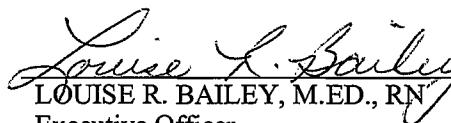
25 2. Ordering Theresa Sette to pay the Board of Registered Nursing the reasonable costs  
26 of the investigation and enforcement of this case, pursuant to Business and Professions Code  
27 section 125.3;

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3. Taking such other and further action as deemed necessary and proper.

DATED: December 20, 2011

  
LOUISE R. BAILEY, M.ED., RN  
Executive Officer  
Board of Registered Nursing  
Department of Consumer Affairs  
State of California  
*Complainant*

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